



IFW

**MAIL STOP - PCT**  
Attorney Docket No.: 27319U  
Date: June 16, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Art Unit: Unknown

HESSLINGER, et al.

Examiner: Unknown

Appl. No.: 10/576,712

Filed: April 21, 2006

International Application: PCT/EP2004/052725

International Filing Date: October 29, 2004

For: **USE OF BH4 FOR THE TREATMENT OF RESPIRATORY DISEASES**

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

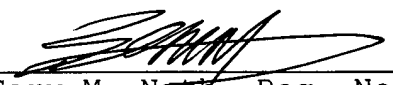
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Information Disclosure Statement;
- 2) PTO Form-1449 with 15 references cited, with copies of 14 of the 15 references cited.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

  
Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
Customer No. 34375

GMN/SMM/1e



**MAIL STOP - PCT**  
Attorney Docket No.: 27319U  
Date: June 16, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Art Unit: Unknown

HESSLINGER, et al.

Examiner: Unknown

Appl. No.: 10/576,712

Filed: April 21, 2006

International Application: PCT/EP2004/052725

International Filing Date: October 29, 2004

For: **USE OF BH4 FOR THE TREATMENT OF RESPIRATORY DISEASES**

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

a. ☒ [XXX] The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

b. ☐ [ ] The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

- ☐ i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or  
☐ ii. a check in the amount required by 37 C.F.R. 1.17(p).

- c. ☐ The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.  
☐ Certification report(e) below; and  
☐ a check in the amount as required by 1.17(p).
- d. ☐ The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.
- e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]
- ☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,  
or
- ☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.  
or
- ☐ Appropriate certification is attached.
- f. [XXX] If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.
- g. [XXX] Copies of the documents are attached herewith with a completed Form PTO-1449.


[ ] Copies of the documents are not attached as  
allowed under CFR 1.98(d)(1)(2). The earlier  
application is identified as:

or  
and / or  
[XXX] Copies of US Patents/Publications not attached, with  
a completed Form PTO-1449, as allowed in Official  
Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the  
documents listed on the attached Form PTO-1449 in the next  
Office Action. In so doing, the Examiner is respectfully  
requested to initial in the space adjacent to the listing of  
each document on the Form PTO-1449, and return a copy of the  
initialed Form PTO-1449 with the next communication to  
Applicants, to confirm that these documents have been considered  
by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this  
application, kindly telephone the undersigned at the below-  
listed number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

  
\_\_\_\_\_  
Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
Customer No. 34375

<b>FORM PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b>	In re Application of: HESSLINGER, et al.		Art Unit: Unknown
	Appl. No: 10/576,712	Filed: April 21, 2006	Examiner: Unknown

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Issue / Publication Date	Inventor	Filed
A1	6,858,612 (corresponds to WO 95/32203)	22 February 2005	Pfleiderer et al.	20 July 1999

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Publication Date	Country	Translation
A2	0 209 689 B1	28 January 1987	EP	N/A
A3	0 908 182 A1	14 April 1999	EP	N/A
A4	95/32203 A2	30 November 1995	WO	Abstract
A5	96/02245 A1	1 February 1996	WO	N/A
A6	01/56551 A2	9 August 2001	WO	N/A

## OTHER

Examiner Initial	(Including Author, Title, Date, Pertinent Pages, etc.)
A7	Fukuda, Y., et al., "Tetrahydrobiopterin restores endothelial function of coronary arteries in patients with hypercholesterolaemia", <u>Heart</u> , Vol. 87, Pp. 264-269, (2002).
A8	Heitzer, T., et al., "Tetrahydrobiopterin Improves Endothelium-Dependent Vasodilation in Chronic Smokers", <u>Circ Res.</u> , Vol. 86, Pp. e36-e41, (2000).
A9	Landmesser, U., et al., "Oxidation of tetrahydrobiopterin leads to uncoupling of endothelial cell nitric oxide synthase in hypertension", <u>J. Clin. Invest.</u> , Vol. 111, Pp. 1201-1209, (2003).
A10	Maier, W., et al., "Tetrahydrobiopterin Improves Endothelial Function in Patients with Coronary Artery Disease", <u>J Cardiovasc Pharmacol</u> , Vol. 35, No. 2, Pp. 173-178, (2000).
A11	Shinozaki, K., et al., "Stress and Vascular Responses: Oxidative Stress and Endothelial Dysfunction in the Insulin-Resistant State", <u>J Pharmacol Sci</u> , Vol. 91, Pp. 187-191, (2003).
A12	Tiefenbacher, C.P., et al., "Endothelial Dysfunction of Coronary Resistance Arteries Is Improved by Tetrahydrobiopterin in Atherosclerosis", <u>Circulation</u> , Vol. 102, Pp. 2172-2179, (2000).
A13	Ueda, S., et al., "Tetrahydrobiopterin Restores Endothelial Function in Long-Term Smokers", <u>JACC</u> , Vol. 35, No. 1, Pp. 71-75, (2000).
A14	Vásquez-Vivar, J., et al., "Superoxide generation by endothelial nitric oxide synthase: The influence of cofactors", <u>Proc. Natl. Acad. Sci. USA</u> , Vol. 95, Pp. 9220-9225, (1998).
A15	Werner-Felmayer, G., et al., "Tetrahydrobiopterin Biosynthesis, Utilization and Pharmacological Effects", <u>Current Drug Metabolism</u> , Vol. 3, Pp. 159-173, (2002).

Examiner	Date Considered
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.